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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

COPY OF PAPERS
ORIGINALLY FILED

In re Patent Application

Matzinger et al.

Group: 1624

Serial No. 09/546,143, filed April 10, 2000

Examiner: Tamthom Ngo Truong

For: ASYMMETRIC SYNTHESIS PROCESS

COMMUNICATION

Nutley, New Jersey 07110
July 31, 2002

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Appellants are in receipt of the Examiner's Answer (Paper No. 14) mailed on July 15, 2002. There is nothing in the Examiner's Answer to indicate that the headings and their ordering in the Appellant's brief were incorrect. Accordingly, Appellants do not agree with the final paragraph of the Examiner's Answer, which provides:

To avoid dismissal of the appeal, Applicant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIOD: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extension of these time periods may be granted under 37 C.F.R. 1.136.

Appellants do not believe that the above-provision is applicable. 37 CFR 1.192(c) relates to the content of the appellant brief, specifically that the content of the brief must be in accordance to certain headings and ordering. Because the Examiner's Answer did not dispute the correctness of

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the headings and the ordering of the headings in Appellant's brief, appellants believe that the above-cited paragraph is not applicable.

Appellants have discussed this issue with the Examiner Tamthom Ngo Truong on July 26, 2002, and the examiner has kindly confirmed that the paragraph in question is a form paragraph and, is not applicable in this appeal. Despite such oral assurance from the examiner, the paragraph in question is, nevertheless, on record in the Examiner's Answer. Appellants hereby reserve their rights in this appeal, and herein put on record that no action is now required which would otherwise prejudice the appeal in this case.

If the Patent Office requires appellants to take any action to avoid dismissal of this appeal, appellants respectfully request that the Patent Office provide a clearer guidance of its requirements.

This Communication is filed in triplicate.

Respectfully submitted,



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